

CHAPTER XXXI
ZONING ORDINANCE
VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN

ARTICLE 4.00 CONDITIONAL USES

4.01 PERMITS

The Village Plan Commission may authorize the issuance of a Conditional Use Permit for conditional uses after Public Hearing and review, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

4.02 APPLICATION

Application for Conditional Use Permits shall be made to the Village Plan Commission on forms furnished by the Village Clerk and shall include the following where pertinent and necessary for proper review by the Village Plan Commission:

A. Names & Addresses

1. Applicant
2. Owner of site
3. Architect, professional engineer, and contractor

B. Plat of Survey

The Plat of Survey and/or scaled drawing of the site must show the following information:

1. Property location, boundaries, topography and dimensions including building pad
2. Property use
3. Size of existing and proposed structures
4. Location of any easements on the subject property
5. Ingress/egress points and parking lot layout
6. Location and use of all structures within 100 feet of the property boundaries including floor elevations

C. Additional Information Required for Salvage Yards

1. Each applicant shall be accompanied by a fee of \$200, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Village.
2. The applications shall be accompanied by a detailed description of the

proposed method of operation, the manner in which materials will be stored, the equipment proposed to be used, the method of disposition of the end products, the manner in which adjoining property owners will be protected, the hours of operation, the Village streets proposed to be used, the gross weight of equipment to be used in hauling in and out of any of the product, and similar information as the Planning Commission may require.

3. The application for the operation of a Salvage Yard under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.
4. Any permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.
5. No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Village Planning Commission.
6. Any nonconforming salvage use which had a State of Wisconsin Salvage License prior to June 7, 1983, shall immediately apply to the Village Plan commission for a use and occupancy permit. The Planning Commission shall require a plan of operation, final restoration plan, intermediate restoration plans as deemed necessary, and may impose such restrictions upon the use of such site or structure as may be reasonable and not unduly burdensome or onerous under the particular circumstances that may be required.

D. Additional Information Required for Cellular and Digital Communication Antennas and Towers

1. The developer shall prepare a plan showing the number and potential location of all antenna sites needed in the Village to complete the communication network.
2. All antennas shall be constructed on existing structures, such as, but not limited to water towers, public buildings, existing utility towers, or other communication towers.
3. If it is determined by the Planning Commission that such antennas cannot be co-located on existing structures, freestanding tower structures may be permitted, but such structures shall be designed to support the proposed antennas and three(3) additional sets of communication antennas. The developer shall agree, in writing, to make the structure available for co-location of similar communication equipment operated by other companies at a reasonable return.
4. The developer may be required to post a bond or cash deposit to assure maintenance of communication equipment and its supporting structures; and to assure that if such facilities are abandoned, sufficient resources are available for the Village to remove such equipment and structures.

5. Minimum Setback Requirements. There shall be a setback sufficient radius around the antenna structure (as measured from the extremities of the antenna base) equal to the antenna tower height so that its collapse will be contained on the property, except when the applicant provides evidence from a Wisconsin registered structural professional engineer which allow for reduced setback requirements.
6. Any storage/equipment building associated with a cellular tower shall meet the setback requirements for principal buildings in the district in which it is located. A storage building shall not be classified as an accessory use or building.
7. New or modified towers shall be certified by a registered engineer to be in accordance with structural standards for antennas by the Electronics Industry Association.
8. Abandoned or unused towers or portion of towers shall be removed within 18 months of the cessation of operations at the site. In the event that a tower is not removed within 18 months of cessation of operations at a site, the tower may be removed by the Village and the costs of removal assessed against the property. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.
9. Tower Appearance and Illumination:
 - (a) For towers not regulated by the Wisconsin Division of Aeronautics or the Federal Aviation Administration, a surface paint or finish shall be used that reduces the visibility of the tower.
 - (b) Towers shall not be illuminated except as required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower. However, such lights shall be directional and shall not produce glare into residential areas.
10. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
11. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of a new service or changes in existing service, telecommunication providers shall notify the Village at least ten(10) calendar days in advance of such changes and allow the Village to monitor interference levels during the testing process.
12. Any newly constructed communication towers shall require building/site

landscaping in accordance with Section 9.12 of the Zoning Code, and perimeter landscaping in accordance with the following:

- (a) For towers 200 feet in height or less, a buffer area no less than 25 feet wide shall commence at the property line. At least one row of evergreen shrubs shall be spaced not more than five(5) feet apart. Shrubs should be of a variety which can be expected to grow to form a continuous hedge at least five(5) feet in height within two(2) years of planting. At least one(1) row of evergreen trees or shrubs, not less than four(4) feet in height at the time of planting, and spaced not more than fifteen(15) feet apart, shall also be planted. Trees and shrubs in the vicinity of guy wires shall be of a type that would not exceed 20 feet in mature height or would not affect the stability of the guys should they be uprooted, and shall not obscure the visibility of the guy anchor from the transmission building or security facilities and staff.
 - (b) For towers more than 200 feet, the provisions included in sub-section (a) above shall be followed, including the extension of the buffer area to 40 feet with an additional row of deciduous trees, not less than 2½ inches caliper measured three feet from the ground at the time of planting, and spaced not more than 25 feet apart.
 - (c) Native vegetation on the site shall be preserved to the greatest practical extent. The site plan shall show any existing native vegetation to be removed and shall indicate the type and location of native vegetation to be replanted.
13. A minimum of two(2) parking spaces shall be provided on each site. Sites with personnel routinely in attendance shall be required to install additional parking spaces based on the number of personnel routinely on site."

E. Additional Criteria to Determine Where Self-Storage Facilities May be Located as a Conditional Use.

Self-Storage facilities may be less desirable than other higher quality uses in certain commercial and industrial zoning districts. This is due to the lack of job creation, lower quality buildings and site improvements, and less desirable visual appearance than other land uses.

Therefore, self-storage facilities should be located on sites which have locational characteristics which may be adverse to accommodating higher quality land uses. To accomplish this objective, the Planning Commission shall review each request and make a finding that some of the following criteria are met before any such use is approved:

- 1. Historic lack of other higher quality development opportunities.
- 2. Lack of existing or future sanitary sewer or potable water service.
- 3. Poor soil conditions not conducive to supporting larger buildings such as low bearing capacity or high groundwater, or contaminated soils.

4. Poor visibility from adjacent or nearby roadways.
5. Poor vehicular access to adjacent roadways.
6. High traffic noise or other adverse environmental conditions.
7. Sites where such uses would be an appropriate buffer or transition between different land uses.

ADDITIONAL CONDITIONS: In the process of considering a request for self-storage facilities, additional conditions may be required by the Planning Commission. Such conditions may include condominium property use restrictions and/or deed restrictions that would describe or limit uses or activities which could occur on the premises, architectural design features, or landscaping treatments, and specific security measures such as fencing and lighting.

4.03 PUBLIC HEARING.

The Village Plan Commission shall hold a Public Hearing upon each Conditional Use application, giving notice of the time, place, and the proposed use by publication of a Class Two Notice, under Chapter 985 of the Wisconsin Statutes.

4.04 REVIEW & APPROVAL.

The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

A. Evaluation

The Plan Commission shall evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.
2. Existing topography, drainage, and vegetative cover.
3. The compatibility of the use with other uses on adjacent properties.
4. Existing and proposed traffic generation and circulation.
5. The adequacy of existing and proposed parking areas and driveway locations.
6. The adequacy of existing and proposed public services.

B. Approval Conditions

Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operations, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

C. Compliance with Zoning Code

Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses.

D. Revocation

A Conditional Use Permit shall remain in effect provided that the conditions of the permit are continued in the manner specified by the permit or until the expiration of the permit as provided by its terms. In the event the permit holder fails to comply with the conditions specified in the permit the same may be revoked by the Zoning Administrator upon 10 days notice to the permit holder. The permit holder shall be entitled to a hearing before the Village Planning Commission on the questions of revocation of the Conditional Use Permit and approval of the Village Planning Commission shall be required for the reinstatement of any Conditional Use Permit.